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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,264	03/01/2004	Siroos K. Afshar	2003-0266	3519
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EXAMINER				
ADDY, THUAN KNOWLIN				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/790,264

Applicant(s)

AFSHAR ET AL.

Examiner

THJUAN K. ADDY

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 2, 4-18 and 42-44 is/are allowed.
- 6) ☒ Claim(s) 19-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/19/2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on November 18, 2009 has been entered. Claims 1, 2, 12, 14, 16, and 42 have been amended. Claim 3 has been cancelled. No claims have been added. Claims 1, 2, and 4-44 are still pending in this application, with claims 1, 16, 19, 25, 31, and 42 being independent.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/18/2009 has been entered.

Allowable Subject Matter

3. Claims 1, 2, 4-18, and 42-44 are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter: The invention as claimed is not disclosed nor rendered obvious in view of the prior art of record. As to independent claims 1, 16, and 42, the prior art of record fails to teach or suggest, alone or in combination, the recited system, method, and computer-readable medium comprising at least one call control element providing system call control functions, a first user device for initiating a call and in communication with said scalable BE, a second user device acting as a call destination device and in communication with said scalable BE, wherein the scalable border element comprises a first BE media entity providing BE media functions in communication with said BE signaling entity and in communication with said first user device for initiating a call, and a second BE media entity providing BE media functions in communication with said BE signaling entity, in communication with said first BE media entity for media transfers and in communication with a second user device acting as a call destination device. No prior art was found that discloses or teaches the limitations of claims 1, 16, and 42.
5. Claims 2, 4-15, 17, 18, 43, and 44 are dependent upon claims 1, 16, and 42, respectively, therefore, claims 2, 4-15, 17, 18, 43, and 44 are allowed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 19-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Peters, Jr. et al. (US Patent Application, Pub. No.: US 2008/0107130 A1).
7. In regards to claims 19, 25, and 31, Peters, Jr. discloses a border element (BE) signaling entity, BE media entity, and decomposed BE providing signaling functions to at least one connected BE media entity (Fig. 2 and Border Elements (BEs) 26a-26d) providing media functions and a connected call control element (CCE) (See Fig. 2 and Call Control Element (CCE) 24), the BE signaling entity comprising: a communication interface to said plurality of connected BE media entities (e.g., BEs 26a-26d), wherein said plurality of connected BE media entities and said BE signaling entity comprise a decomposed BE configured to act as a single integrated functional entity; and a communication interface to said CCE (See pg. 2, paragraph [0021] – [0022]).
8. In regards to claims 20 and 36, Peters, Jr. discloses the scalable system, BE signaling entity, and decomposed BE, wherein the communication with said CCE uses a session initiation protocol (SIP) (See pg. 2, paragraph [0022]).

9. In regards to claims 21, 26, and 38, Peters, Jr. discloses the scalable system, BE signaling entity, BE media entity, and decomposed BE, wherein the said communication with the BE signaling entity is a master/slave protocol where the BE signaling entity acts as the master and the BE media entity acts as the slave (See pg. 2, paragraph [0022] and pg. 3, paragraph [0027]).
10. In regards to claims 22, 27, and 39, Peters, Jr. discloses the BE signaling entity, BE media entity, and decomposed BE, wherein the master-slave protocol is media gateway control protocol (MGCP) or media gate control protocol (MEGACO) or internet protocol device control (IPDC) (See pg. 2, paragraph [0019]).
11. In regards to claims 23, 28, and 35, Peters, Jr. discloses the scalable system, BE signaling entity, BE media entity, and decomposed BE, wherein the BE signaling functions further comprises: user agent functions; proxy functions; and back to back user agent functions (See pg. 2, paragraph [0021] – [0022]).
12. In regards to claims 24, 29, and 37, Peters, Jr. discloses the scalable system, BE signaling entity, BE media entity, and decomposed BE, wherein the BE media functions further comprises: dual tone multi-frequency (DTMF) digit detection; real time protocol (RTP) re-originating; firewall/NAT functions; and media transcoding functions (See pg. 3, paragraph [0029] and pg. 4, paragraph [0041]).
13. In regards to claims 30 and 40, Peters, Jr. discloses the BE media entity and decomposed BE, wherein the communication interface to at least one other BE media entity uses real time protocol (RTP) (See pg. 3, paragraph [0029]).

14. In regard 32, Peters, Jr. discloses the scalable system and decomposed BE, wherein the at least one scalable border element (BE) providing scalable system interface functions further comprises: signaling functions including call setup signaling functions; media control functions including transcoding functions; security functions including firewall and encryption and decryption functions; and call admission control functions including call authentication functions (See pg. 4, paragraph [0041]).

15. In regards to claim 33, Peters, Jr. discloses the decomposed BE, wherein the call setup signaling functions further comprises: access control functions for security; quality of service functions; and accounting functions (See pg. 3, paragraph [0029] and pg. 4, paragraph [0041]).

16. In regards to claim 34, Peters, Jr. discloses decomposed BE, wherein the transcoding functions further comprises: determination whether transcoding is required; determining the type of transcoding required; setting up the path to include transcoding if required; and transcoding the communications between connected users if required (See pg. 3, paragraph [0029] – [0030]).

17. In regards to claims 41, Peters, Jr. discloses the decomposed BE, wherein the communication with at least one user device uses RTP (See pg. 3, paragraph [0029]) and SIP (See pg. 2, paragraph [0022]).

Response to Arguments

18. Applicant's arguments with respect to claims 1, 2, and 4-44 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.
20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/
Primary Examiner, Art Unit 2614

